REMARKS/ARGUMENTS

These remarks are made in response to the Final Office Action of 25 August 2008 (Final Office Action). As this response is timely filed before the expiration of the 3-month shortened statutory period, no fees are believed to be due. However, the Examiner is authorized to charge any deficiencies or credit any overpayments to Deposit Account No. 50-3610.

Rejections under 35 USC § 112, second paragraph

Claims 1-6 were rejected for the phrase "...while the mobile system is in a powered down state and without waking the mobile system."

Applicants have deleted the phrase from Claim 1 for other reasons. The rejection under this section for Claims 1-6 is therefore obviated.

Claims 7-13 were rejected for the phrase "for the request for asset information while the powered-down mobile system remains powered down." Claims 14-19, and 21 were similarly rejected for the limitation the mobile station is presently powered down.

Applicants respectfully point to FIG. 5 of the present drawings. Block 506 shows that the mobile device powers off. This is described at page 7 of the specification, lines 18-23, where it is specifically described that the "all major functional components of the mobile system are powered down..." Thus, it is established that the mobile system powers down. Applicants further point out that at no point subsequent to block 506 is the mobile system powered back up (i.e., "waking") of the mobile system. In block 518, as described in the specification beginning at page 8 line 30 to page 9, line 4, the NIC wakes up to poll the access point. There is no mention that the rest of the mobile system is required to power up, only the NIC. As there is no described requirement for the rest of the mobile system to power up, it may be plainly inferred that the NIC powers up and polls the AP while the

mobile system remains otherwise powered down in at least one embodiment of the invention. In further support of this contention,

Applicants draw Examiner's attention to the Summary of the Invention, at page 2 lines 25-30, states "The mobile system, *when in a powered down state*, powers its wireless network adapter periodically to poll the access point to discover the stored request for information." A plain reading of that statement would inform one of ordinary skill in the art that the mobile system remains powered off while the NIC polls the AP, because the polling occurs when the mobile system is in a powered down state. Another way of describing that operation is that the mobile system is not powered up while the NIC is polling the AP. The limitation that the NIC wakes up while the mobile system is powered down was originally claimed in claim 3, as filed, and is stated in the Abstract.

In the Detailed Description, on page 4 lines 16-18, it is described that the server desires to retrieve asset information from "powered-down" mobile system. At lines 21-22, it is described that the NIC is periodically powered up, but there is no requirement or indication that the mobile system generally must be powered up for the NIC to perform the polling.

Accordingly, Applicants submit that the limitation of the mobile system remaining powered down while the NIC periodically polls the AP (i.e., without waking the mobile station) is described in the originally filed application such that one of ordinary skill in the art would be on notice as to the limitation, and informed sufficiently to practice the limitation without undue experimentation. In order to maintain the rejection, which would require that the mobile system wakes up, Applicants respectfully request that Examiner specifically point out where the application requires the mobile system to be powered up when the NIC is polling the AP. In lieu of such, Applicants request withdrawal of the rejection.

Claims 7-13 were rejected for reciting "computer readable storage medium."

In amending the claims previously, Applicants pointed to the specification at page 6, lines 26-30. The instant section recites that computer executable instructions may be "stored on a computer readable medium." It is difficult to conceive that one of ordinary skill in the art would not realize that "stored on a computer readable medium" is substantially equivalent to a "computer readable storage medium." The instant application describes various memory technologies, which are notoriously well known computer readable storage mediums. Applicants respectfully request withdrawal of the rejection.

Claims 1-19, and 21 were rejected as being ambiguous and contradicting for claiming that the wireless adapter is configured to respond to discovery of the stored request for information.

Applicants amended the claims previously to clarify that the wireless network adapter is powered up and responsive to requests at the access point and that this may be performed while the mobile system generally remains powered off. Applicants identified the ambiguousness in the application as filed where the term "mobile system" is used in two different and distinct respects. This is because the NIC is a part of the mobile system, and in some places in the specification, where it is clear the NIC is taking action, the application informally refers to the "mobile system" because the NIC is part of the mobile system. Although those of ordinary skill in the art, upon reading the application, would readily identify the distinction in the use of the term "mobile system," Applicants amended the claims previously to clarify that the NIC, while part of the mobile system, is performing the response to the request, and that the mobile system may otherwise remain substantially powered off. Leaving the claims as originally filed would have caused the claims to be ambiguous because the specification teaches specifically that that NIC is the part of the mobile system which responds to the request for information. For example, on page 7, lines

18-26, the specification describes the mobile system powering down, reciting that the "mobile system" contains several "major functional components," one of which is the NIC. On page 8 commencing at line 30, it is described that the dormant NIC "on the mobile system" wakes up. Subsequently, on the following page, one embodiment of the invention is described where the NIC wakes up periodically to poll the AP. There is no statement or teaching that, at this point, the mobile system generally is powered on, only the NIC portion of the mobile system is powered on. To further emphasize that the mobile system need not be generally powered up, another embodiment is described subsequently where the mobile system "is next powered on."

In rejecting the claims under this section, the Rejection pointed to the Abstract, where it is stated "The mobile system responds to discovery of the stored request by retrieving the requested information..." However, the Rejection ignores the preceding statement which says "the mobile system, *when in a powered down state*, powers its wireless network adapter periodically to poll the access point..." Generally speaking, the mobile system responds by virtue of its powered on NIC. From the server or access point of view, whether the mobile system is powered on other than the NIC is irrelevant, and it appears that the mobile system is responding even though the mobile system may generally be powered down while its NIC handles the response. Accordingly, one of ordinary skill upon reading the originally filed specification would realize that the NIC is always powered off, and then powered up to check the access point for asset information requests. Furthermore, one of ordinary skill would realize that in one embodiment of the invention, as originally described, the mobile system may remain generally powered down while the NIC is powered on to check for and handle asset information requests.

Rejections under 35 USC § 103

Claims 1, 3, 7-9, 11, 12, 14, and 19-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,158,778 to Sameer, *et al.* (hereinafter "Sameer") in view of U.S. Patent No. 6,381,636 to Cromer, *et al.* (hereinafter "Cromer"), in further view of U.S. Pub. No. 2008/0037467 to Diepstraten, *et al.* (hereinafter "Diepstraten").

The invention as claimed in independent claims 1, 7, and 14, allows the acquisition of asset information from a mobile client machine, which may be powered down, by periodically waking the wireless network adapter of the mobile client machine, and *polling* the access point specifically for the existence of such a request. The access point, having knowledge that the mobile client machine has gone offline, has stored any such requests, and upon receiving the poll, will transmit the request to the mobile client machine.

Sameer was cited for showing, in col. 2, lines 60-62, the polling claimed by Applicants. What Sameer states is:

> "In contrast to the standard specified by the IEEE 802.11, the device 11 is not required to wake up periodically to receive beacon signals from the AP 19."

and further states subsequently:

> "Rather, the device 11 only send a signal to the AP 19 before it goes off-line, and sends another signal to the AP 19 after the device becomes accessible again."

Applicants point out that the term "poll" and "polling" are terms of art, which were well known to those skilled in the arts relating to wireless local area networks, and in particular those governed by the IEEE 802.11 series of standards, at the time the present application was filed. A poll involves transmitting a polling message or frame to the access point, to which the access point responds with information. In the present invention the polling is by the NIC of a mobile station to determine whether the access point has, for

example, a pending asset information request. As an example of the term poll being used in relation to wireless LANs, Applicant points to U.S. Patent No. 6,067,297 to Beach, which was cited by the Rejection in rejecting the claims in another section, as an indication as to how the term "poll" was used and known to mean in the art at the time of filing the present application. Generally, the mobile unit transmits a polling frame, to which the access point responds within a given time, but directly to the polling mobile unit. The poll seeks to determine if there are messages stored on the access point for the mobile unit which the mobile unit was not able to receive by virtue of having been powered off, or at least the mobile unit's NIC was powered off.

Sameer, conversely, is not polling. In addition to the sections of Sameer quoted above, Sameer describes the messaging used at column 2 lines 47-54:

> "After the device 11 returns to the wireless network 110, the device 11 sends an "I am back" message to the AP 19 to indicate the accessibility. The AP 19 then sends a beacon signal to determine whether the device 11 is ready to receive messages. If the device 11 is ready, the AP 19 forwards all the messages addressed to the device 11 that are held in the storage media 18 to the device 11. Otherwise, the AP 19 continues to hold the messages until the device 11 is ready or the age limit for holding the messages is exceeded."

Sameer first transmits an "I am back message," which is not a poll, as understood by those skilled in the art, which seeks specific information from the access point. Rather, Sameer waits until a beacon signal is transmitted by the access point, which is not a poll response, to prompt the device to indicate whether it is ready to receive messages. Only then, if the device is ready, does the AP transmit messages to the device. The polling approach used by Applicant's claimed invention requires less "on" time of the NIC since the message is received in the poll response. Thus, it is clear that what is going on in Sameer is that the device is not periodically polling the AP. In fact, in this section, it is clear that Sameer says that the device does not periodically wake up. This is quite the opposite of what

Applicants have claimed. Accordingly, Applicants believe the claims distinguish over Sameer as far as Sameer was cited for showing certain elements of Applicants' claimed invention.

Cromer was also cited for showing a network adapter responding to requests for asset information while the system in which the network adapter is located is off-line or otherwise powered-down. Specifically, the Rejection alleged that Cromer is configured to respond to discovery of the stored request at col. 3, lines 32-37. What Cromer shows, however, is a prior art system where the network adapter is constantly on, as clearly stated in col. 3, lines 34-37. The network adapter is responding to a received request, but not a stored request, as claimed by Applicants. The stored request claimed by Applicants is stored at the access point and retrieved, via a polling procedure, from the access point. In Cromer, the network adapter and associated memory are powered by an auxiliary power supply that allows them to function while the main portion of the machine is off. This is not the same as Applicants' claimed invention which sets the wireless network adapter to sleep and periodically wakes it to poll the AP. Furthermore, given that the problem sought to be solved by Applicants is to reduce power consumption by shutting off the network adapter (note that Applicants discussed prior art systems, such as Cromer, in the background section of the specification as failing to sufficiently conserve power in mobile systems), Cromer is actually teaching away from Applicants' invention by suggesting leaving the adapter on constantly. Therefore there would be a lack of motivation for one skilled in the art to look to Cromer for a solution in a mobile environment. Accordingly, Applicants believe Cromer does not show the aspects of Applicants' claimed invention as alleged in the Final Office Action, and that Applicants' claimed invention is distinguished over Cromer.

Furthermore, Applicants respectfully contend that the combination of Sameer with Cromer would not realize Applicants' claimed invention. Given that Cromer does not shut off the network adapter, in fact, there is no need to store messages at the AP as done in

Sameer. Thus, one seeking to solve the problem of conserving battery power at a mobile system while still responding to asset information requests would not be motivated to combine Sameer and Cromer. For these reasons, Applicants believes Claims 1, 7, and 14 are distinguished over Sameer and Cromer. Diepstraten was cited as showing that the wireless network adapter may be returned to the powered off state, but does not cure the defects of Sameer and Cromer. Claims 3, 8-9, 11, 12, and 19-21, being dependent claims, are believed to be allowable.

Claims 2, 13, 15, 16, 17, and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sameer in view of Cromer, in further view of Diepstraten, and in further view of "Wake On Lan – An Overview" (hereinafter WOL).

Claims 4, 5, 6, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sameer in view of Cromer, and in further view of U.S. Patent No. 6,067,297 to Beach, *et al.* (hereinafter "Beach").

Applicants regard these claims as being dependent on allowable claims, and are thus likewise allowable.

Conclusion

No cited reference or combination of cited references in the present Office Action shows a mobile system having a NIC which, when the mobile system is otherwise powered down, wakes up, polls the access point for a information request, upon discovering the information request acquiring the requested information from a local memory, and transmitting the requested information to the requesting server, and thereupon returning to the powered off mode, as substantially claimed in Claims 1, 7, and 14.

Applicants believe that the invention as claimed should be in allowable condition over the cited references. Applicants have made claim amendments which are supported by the

specification. No new matter has been added and, as such, Applicants believe that the present invention is in full condition for allowance, which action is respectfully requested.

The Applicants request that the Examiner call the undersigned (**954-745-0374**) if clarification is needed on any matter within this Reply, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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